

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 9, 2007

DIVISION ONE

B174113 Simantob et al. (Not for Publication)
 v.
 Lahijani
 Mottale et al.

The March 8, 2004 order awarding Kaveh Lahijani and Bahman Mashian attorney fees of \$184,036 is reversed. The judgment and the other orders appealed from are affirmed. The parties are to bear their own costs on appeal.

Mallano, J.

We concur: Vogel (Miriam A.), Acting P.J.
 Jackson, J. (Assigned)

DIVISION TWO

B185373 AB Cellular LA, LLC, et al. (Certified for Publication)
 v.
 City of Los Angeles

The judgment is modified to include a declaration that the City's March 2003 tax increase, as reflected in the final instructions, violated Proposition 218. As modified, the judgment is affirmed. The carriers shall recover their costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B195310 People (Not for Publication)

V.
Eduardo Quezada

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B190915 People (Not for Publication)

v.
Ray Weatherspoon

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B184687 Sea Foods Company Limited (Certified for Publication)

B190151 v.
Red Chamber Co.

In B184687, the order requiring Red Chamber to pay Sea Foods the \$3.6 million in shrimp sale proceeds plus interest is reversed. In B190151, the order quashing service of process is reversed. In both cases, the matter is remanded for further proceedings consistent with this opinion. Red Chamber shall recover its costs in both appeals.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (continued)

B191717 Babb (Not for Publication)

v.
Thompson, etc.

The judgment is affirmed. Costs on appeal are awarded to defendant Thompson.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B188903 Burwell (Not for Publication)

v.
County of Los Angeles, et al.

The judgment is affirmed. Costs on appeal are awarded to defendants.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B189589 Clark, et al. (Not for Publication)

v.
First Union Securities, Inc., et al.

The order is affirmed. Wachovia is to pay all costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B191456 Del Junco, Jr., M.D. (Certified for Partial Publication)
 v.
 Hufnagel, et al.

The judgment is reversed with respect to the award of punitive damages. In all other respects, the judgment is affirmed. The matter is remanded to the trial court with directions to modify the judgment by striking the punitive damages. Dr. Del Junco is awarded costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B185030 Lloyd McMillian et al
 v.
 City of Los Angeles et al

Filed order denying petition for rehearing.

B185193 Maryann P. Gallagher et al
 v.
 Mercedes-Benz Usa LLC

Filed order denying petition for rehearing.

DIVISION FIVE

Court reconvened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and J. Belcher, Deputy Clerk.

DIVISION FIVE (continued)

Each of the following:

B197420 Peo v. Colby
B197782 Peo v. Gray
B191198 Peo v. Espinoza
B191369 Peo v. Garcia

Argument waived, cause submitted.

B188906 Edward Johns
 v.
 Jennifer Johns

Merits:

Respondent previously waived argument and there being no appearance by appellant. Argument waived, cause submitted.

B190202 People
 v.
 Joseph M.

Merits:

Argued by Gerald Peters for appellant and by Yun Lee, deputy attorney general, for respondent. Cause submitted.

Court recessed.

Court reconvened at 9:50 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and J. Belcher, Deputy Clerk.

DIVISION FIVE (continued)

Each of the following:

B192812 People v. Labrecque
B191936 People v. Collins

Argument waived, cause submitted.

B188141 People
 v.
 Julian Hill

Merits:

Argued by John Dwyer for appellant and by Joseph Lee, deputy attorney general for respondent. Cause submitted.

B192861 Manoucher Rofeh
 v.
 Canon Partnership

Merits:

Argued by Robert Woods for appellant and by Sarah Yoseloff for respondent. Cause submitted.

B193094 McMillan & Tkach
 v.
 Cliff Goode

Merits:

Appearances by E. Samuel Johnson for defendant, appellant and cross-respondent and by Gregory Khougaz for plaintiff, respondent and cross-appellant. Counsel waived argument. Cause submitted.

Court recessed.

May 9, 2007 (Continued)

DIVISION FIVE (continued)

Court reconvened at 11:00 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

B194253 DCFS v. Desiree H.

B191850 People v. Perez

B192322 People v. Franco

Argument waived, cause submitted.

B188583 People
 v.
 Carbajal, et al.

Merits:

Argued by Robert E. Boyce for appellant Delgado and by Ellen Kehr, Deputy Attorney General for respondent. Counsel for appellants Carbajal and Malaquias waive oral argument. Submission deferred pending the California Supreme Court decision in. Peo v. Towne.

B191824 People
 v.
 Kelley

Merits:

Argued by Maxine Weksler for appellant and by Steven D. Matthews, Deputy Attorney General for respondent. Cause submitted.

Court recessed.

May 9, 2007 (Continued)

DIVISION FIVE, (continued)

Court reconvened at 1:00 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B195009 DCFS v. LaTanya P. et al

B194670 Peo v. Luis P.

Argument waived, cause submitted.

B189287 Duan'ne Land
 v.
 Los Angeles Unified School District

Merits:

Appearances by Leo Terrell for appellant and by Julie Mullane for respondent. Counsel waived argument. Cause submitted.

B191875 Optima Funding
 v.
 Wayne Strang

Merits:

Argued by Eric Medel for appellant and by Kenneth Khoury for respondent. Cause submitted.

Court adjourned.

May 9, 2007 (Continued)

DIVISION SIX

Court convened at 9:00 a.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., P. McGill, Chief Deputy Clerk and G. Bents, Senior Deputy Clerk.

Each of the following:

B189955 People v. Yim
B190210 People v. Brown
B190546 People v. Moss
B190585 People v. Ramirez
B190641 People v. Wright
B191817 People v. Molina
B192431 People v. Osbourn
B192752 People v. Feyer

Argument waived, cause submitted.

B186643 People
 v.
 Salido

Merits:
Argued by Meredith L. Fahn for appellant and by Thomas C. Hsieh, Deputy Attorney General, for respondent via video conference. Cause submitted.

B188475 People
 v.
 Ervin

Merits:
Argued by Meredith Watts for appellant and by Michael C. Keller, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX(continued)

B188957 People
 v.
 Zambrano

Merits:

Argued by Rebecca F. Thornton for appellant and by Kathy S. Pomerantz, Deputy Attorney General, for respondent via video conference. Cause submitted.

B194354 People
 v.
 Gorton

Merits:

Argued by Gerald J. Miller for appellant and argument previously waived by respondent. Cause submitted.

B193145 People
 v.
 Treas

Merits:

Argued by Gerald J. Miller for appellant and argument previously waived by respondent. Cause submitted.

B193741 People
 v.
 Simon

Merits:

Argued by Jean F. Matulis for appellant and argument previously waived by respondent. Cause submitted.

Yegan, J. left the bench.

May 9, 2007 (Continued)

DIVISION SIX(continued)

B186959 People
v.
Austin

Merits:

Argued by Richard C. Gilman for appellant and by David F. Glassman, Deputy Attorney General, for respondent. Cause submitted.

B187096 People
v.
Osorio

Merits:

Argued by Allen G. Weinberg for appellant and by David F. Glassman, Deputy Attorney General, for respondent. Cause submitted.

Court adjourned.

DIVISION SEVEN

B185929 People (Certified for Partial Publication)
v.
Reyes

The judgment is affirmed.

Woods, J.

I concur: Perluss, P.J.
I dissent: Johnson, J. (opinion)

DIVISION SEVEN (continued)

B182968 Pardo et al., (Not for Publication)

v.

L.A. Fitness et al.,

The judgments are affirmed. L.A. Fitness and Trillium are to recover their costs on appeal.

Perluss, P.J.

We concur: Johnson, J.

 Woods, J.

B190744 People

v.

Mora

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

B187621 Cruz

v.

Ayromloo

Filed order denying petition for rehearing.

B190549 Sandoval

v.

Universal City Studios

Filed order denying petition for rehearing.

May 9, 2007 (Continued)

DIVISION EIGHT

B191039 Genevieve, (Not for Publication)
v.
State Of California,

The judgment is affirmed. Each party to bear its own costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B178945 People
v.
Green, III

Filed order denying petition for rehearing.

B190129 People
v.
Minner

Filed order denying petition for rehearing.